

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X  
LIZBETH O'KEEFE A/K/A LISBETH  
O'KEEFE,

Plaintiff,

- v -

JP MORGAN CHASE BANK, NA,

Defendant.

----- X

Civil No. 07 CV 9811 (RMB)

ATTORNEY AFFIDAVIT OF  
SHEILA E. CARSON


STATE OF NEW YORK    )  
                                  ) ss:  
COUNTY OF NEW YORK)

**SHEILA E. CARSON**, an attorney admitted to practice before this Court, being  
duly sworn deposes and says:

1. I am a Vice President and Assistant General Counsel in the  
JPMorgan Chase Legal Department, attorneys of record for defendants JPMorgan Chase  
Bank, N.A. ("Chase"), defendant in the above captioned case.

2. I am familiar based on personal knowledge, information and belief  
and/or records of the Defendants, with the facts and circumstances hereinafter set forth. I  
make this affidavit in support of Chase's Motion to Dismiss the Amended Complaint  
pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

3. Annexed hereto as Exhibit A is a copy of the Amended Complaint served on Chase in the above-captioned action.

  
Sheila E. Carson

Sworn to before me this  
11<sup>th</sup> day of April, 2008

  
Notary Public

STUART RADISH  
Notary Public, State of New York  
No. 01RA6115435  
Qualified in New York County  
Commission Expires September 7, 2008

**EXHIBIT A**

OFFICE RECORD

YES ☒ NO ☐ CLOSED ☐UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKLizbeth O'Keefe  
A/K/A Lisbeth O'Keefe

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

JPMorgan Chase Bank, N.A.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_AMENDED  
COMPLAINT07 civ 9811 (RMB)  
Jury Trial: ☒ Yes ☐ No  
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

## I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Lizbeth O'Keefe A/K/A Lisbeth O'Keefe  
Street Address P.O. Box 286908  
County, City New York County, New York City  
State & Zip Code New York  
Telephone Number 212-876-1786

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name JPMorgan Chase Bank, N.A.  
 Street Address 1111 Polaris Parkway  
 County, City County of Franklin, City of Columbus  
 State & Zip Code Ohio 43240-2031  
 Telephone Number 800 282 9494

Defendant No. 2

Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

Defendant No. 3

Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

Defendant No. 4

Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

**II. Basis for Jurisdiction:**

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

28 U.S.C. 1331; Expedient Funds Availability Act  
(12 USC 4001 et seq) as defendant violated plaintiff's rights  
under 12 USC 4008 (c)(1)(A)(B)(2), 4010(a)(1)(2)(A), 4010(f)

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship \_\_\_\_\_

Defendant(s) state(s) of citizenship \_\_\_\_\_

### III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? New York City, New York County, NYS and JPMorgan Chase Bank, NA check processing sites of unknown locations.

B. What date and approximate time did the events giving rise to your claim(s) occur? November 5, 2006 to October 29, 2007

C. Facts: Plaintiff checking statements dated 9/28/06 to 1/25/07 did not contain any checks. About 11/08/06 to 11/2007 plaintiff sought original checks or their substitute from officers & CEO, yet received only photocopies.

What happened to you?

Who did what?

2. Plaintiff stated she needed evidence of payment (7/30/07) yet still was not provided any evidence of \$37,502.17 of said check's payments (9/18/07). Plaintiff stated she would take defendant to court (10/29/07) unless evidence was not provided, yet defendant did nothing.

Was anyone else involved?

Who else saw what happened?

3. Combined total of said original checks not contained in plaintiff bank statements from 9/28/06 to 1/25/07 was \$37,502.17.

### IV. Injuries:

If you sustained injuries related to the events alleged above, describe them, and state what medical treatment, if any, you required and received. Plaintiff does not possess her original cleared checks that were written between September 28, 2006 to Jan 25, 2007, and possesses no evidence that she paid \$37,502.17 of her monies by said original checks.

Plaintiff spent MUCH TIME, and spent (\$674) sending faxes, letters, and costs of this action (\$350) plus travel to court and photocopy costs.

## V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. Award plaintiff the combined total of all said checks \$37,502.17, plus all costs associated with defendant's failure to provide said original checks (\$674 letters, faxes) (\$350 index # purchase) travel to court + photocopy fees.

Basis of compensation is 12 USC 4010 (a) (1) (2) (A) (3), as defendant is liable to plaintiff for not providing to plaintiff said original checks as returning checks is part of the check payment system 12 USC 4008 (c) (1) (A) (B).

Defendant acted in bad faith in not providing plaintiff said original checks or evidence of plaintiff paying \$37,502.17 as per said original checks, pursuant to 12 USC 4010 (f).

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13<sup>th</sup> day of March, 2008 Lizbeth O'Keefe A/K/A Lisbeth O'Keefe

Signature of Plaintiff

Lizbeth O'Keefe A/K/A Lisbeth O'Keefe

Mailing Address

P.O. Box 286908

NY NY 10128

Telephone Number

212-876-1786

Fax Number (if you have one)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: \_\_\_\_\_

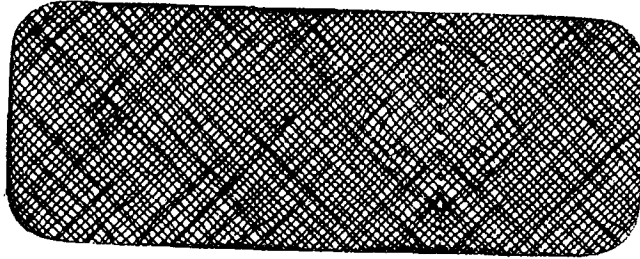
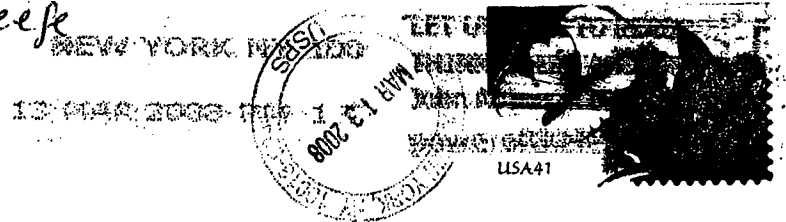
Inmate Number \_\_\_\_\_

Lisbeth O'Keefe A/K/A Lisbeth O'iceefe

Plaintiff Pro Se

P.O. Box 286908

NY NY 10128



JPMorgan Chase Bank, N.A.  
Defendant  
c/o CT Corporation Systems, Inc.  
111 8<sup>th</sup> Avenue  
N.Y. N.Y. 10011

10011+5201

